

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

ZUBEARU BETTIS, :

Plaintiff, :

-v.- :

OFFICER GRIJALVA et al., :

Defendants. :

-----X

GABRIEL W. GORENSTEIN, United States Magistrate Judge.

The complaint in this matter was filed pro se by the incarcerated plaintiff on September 8, 2021, naming as defendants Officer Grijalva, Officer Darden, Warden Lincoln-Vitale, Captain Kizzler, Captain A. Jordan, and Physician Assistant Kang. The action is brought pursuant to 42 U.S.C. § 1983 and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), and alleges that defendants at the Metropolitan Correctional Center violated plaintiff's constitutional rights.

The Court directed the Clerk of Court to supply the U.S. Marshal with a form to effectuate service on the six defendants, but each service form was returned with the notation that the Marshal was unable to locate the named defendant because the Metropolitan Correctional Center was "no longer in service." See, e.g., Process Receipt and Return, filed December 9, 2021 (Docket # 14).

Under Valentin v. Dinkins, 121 F.3d 72 (2d Cir. 1997), this Court has the obligation to assist the plaintiff in obtaining the information necessary to effectuate service. The complaint

supplies sufficient information to permit the Bureau of Prisons to provide service addresses for the named defendants.

Because of its obligation under Valentin, the Court, acting under its authority pursuant to 28 U.S.C. § 1651(a), hereby ORDERS the United States Attorney for the Southern District of New York, who is the attorney for the Bureau of Prisons, to provide to the plaintiff and this Court addresses of the defendants at which the United States Marshal may promptly effectuate service. The U.S. Attorney or his designee shall file a letter with the Court on or before January 25, 2022, indicating that it is in receipt of this Order. The required information shall be provided to the Court and plaintiff by letter served and filed on or before February 8, 2022.

The Court will thereafter instruct the Clerk of Court to provide this information to the United States Marshal on the appropriate form (Form 285) so that service may be effectuated. The deadline for plaintiff to effectuate service under Fed. R. Civ. P. 4(m) is extended to March 29, 2022.

The Clerk of Court is directed to mail a copy of this Order

(a) to plaintiff at the address on the docket sheet; and

(b) to:

Chief, Civil Division
United States Attorney's Office
86 Chambers Street
New York, NY 10007

SO ORDERED.

Dated: January 11, 2022
New York, New York



GABRIEL W. CORENSTEIN
United States Magistrate Judge